

1 Q Do you remember your father's testimony about the
2 decisions being made jointly between you and Diane and he
3 and Pat? Do you remember that testimony?

4 A Yes.

5 Q Is that true?

6 A That's a true statement. As a shareholder, he has
7 every right to.

8 Q Is that still true today?

9 A Yes.

10 Q Okay. I believe your father also testified, my
11 recollection anyway, is that since November of 2000, since
12 we took his deposition, that he has primarily withdrawn from
13 the operations of DLB/Metroplex. Is that correct?

14 A Yes, with an exception of changing the Coke
15 machines. That's his routine, he does the Coke machines and
16 the C-folds.

17 Q Prior to November when we took his deposition, do
18 you recall how many hours a day he was working?

19 A That varied.

20 Q On average?

21 A On average, it could be -- depending upon what
22 he was doing in reference to the proceedings here,
23 it could vary from anywhere from two to three days to all
24 week. I would say anywhere from 28 to 40 hours. It's hard
25 to judge his hours because he gets in at 5:00.

1 Q He gets in at 5:00 a.m. Is that correct?

2 A Yes, ma'am.

3 Q 4:30, 5:00 a.m.?

4 A Drinks two pots of coffee and is hyper when we get
5 there.

6 Q Do you recall me asking how many hours a day you
7 suspect that he actually put in to work at DLB and
8 Metroplex? Do you recall me asking you that question?

9 A Yes. And I think I stated it's usually from about
10 5:00 to 1:00.

11 Q Do you recall telling me that it was probably
12 eight to ten or sometimes twelve hours a day that he worked
13 there?

14 A That's a good estimate. Yes.

15 Q Okay. And do you recall telling me that he came
16 in every day? Every workday?

17 A Every workday? Yes.

18 Q So there has been a substantial change in his work
19 hours since November of 2000. Would that be an accurate
20 statement?

21 A No. He still has things he does in reference to
22 preparing for this and he still shows up every couple of
23 days or so. A little bit of change, yes.

24 JUDGE STEINBERG: When you say "preparing for
25 this," you're referring to this hearing?

1 THE WITNESS: Yes.

2 BY MS. LANCASTER:

3 Q Okay. But he doesn't come in every day any more,
4 does he?

5 A No, but he may visit a customer or visit a project
6 he was working on which is coming to a conclusion.

7 Q Okay. So he's still working how many days a week,
8 you suspect?

9 A Could be five.

10 Q And he still participates in the management
11 decisions, doesn't he?

12 A All or his realm of control at this time?

13 Q Well, what is his realm of control at this time?

14 A The project that I keep referring to as the FCC
15 project here, as well as the two remaining projects for DART
16 which are winding down.

17 Q Okay. If you wanted to make a major purchase,
18 would he be consulted?

19 A No. He would be advised.

20 Q Okay. If you wanted for some reason to get
21 financing, would he be consulted?

22 A Just advised, telling him what I was going to be
23 doing.

24 Q Okay. If you wanted to hire a new person or fire
25 someone, would he be consulted?

1 A He would be a witness. He would be a witness.

2 Q You would let him know?

3 A No, I'd actually have him be there with me to
4 witness it, where it would be instead of a he said/you said
5 situation, there would be two officers.

6 Q Okay. But would you ask for his input regarding
7 the decision to fire?

8 A No, that would be between Pat and myself.

9 Q Okay. What surname did your grandmother Ruth
10 Beardon normally use?

11 A I only knew her as Grandmother or Grandma.

12 Q You never heard anyone talk to her where they
13 called her Mrs. something or they called her a name?

14 A The best remembering that I can do -- when I first
15 started working for Sears in 1972, there was -- I was always
16 curious as to why she was known as R. Beardon versus R.
17 Brasher and I heard the explanation this week.

18 Q People who worded at DLB, some of those knew your
19 grandmother?

20 A It would probably be Sue and Thomas.

21 Q They knew your grandmother?

22 A Sure.

23 Q What did they call her?

24 A Probably Ruth.

25 Q They didn't call her Ms. Brasher?

1 A Sue probably did. Yes, probably -- yes, they
2 probably called her Ms. Brasher or Ruth. Whatever. I don't
3 know.

4 Q In fact, she was known by most people as Mrs.
5 Brasher, wasn't she?

6 MR. ROMNEY: Objection. Lacks foundation. Calls
7 for speculation on the part of the witness, Your Honor.

8 JUDGE STEINBERG: You have to say that he knows
9 what most people called her.

10 BY MS. LANCASTER:

11 Q Most people that you heard refer to her as Mrs.
12 whatever, either Mrs. Beardon or Mrs. -- refer to her by her
13 last name.

14 A Most of them probably did say Ms. Brasher or Ruth.
15 You know, depending on the situation.

16 Q Were you familiar with her checks?

17 A No.

18 Q Did you ever see any checks or anything having to
19 do with her financial documents, documentation?

20 A No, ma'am. No.

21 Q How many employees at DLB and/or Metroplex have
22 radios in their vehicles?

23 A I think Lewis has three at the moment.

24 Q Three?

25 A Three.

1 Q Do any of the family members of DLB employees also
2 have radios?

3 A I do in my personal truck, yes.

4 JUDGE STEINBERG: You mean two-way radios?

5 MS. LANCASTER: Two-way radios.

6 JUDGE STEINBERG: On the DLB system?

7 MS. LANCASTER: Correct.

8 JUDGE STEINBERG: And is that what your answers
9 referred to?

10 THE WITNESS: Yes.

11 BY MS. LANCASTER:

12 Q Is that what you understood me to mean?

13 A Yes, the two-way radio that is in my personal
14 vehicle. Yes.

15 Q Since you have been at DLB, have there been times
16 when employees had radios that were just provided by DLB for
17 their personal use, they could use them personally?

18 MR. ROMNEY: Objection, Your Honor. Vague and
19 ambiguous.

20 JUDGE STEINBERG: Do you understand the question?

21 THE WITNESS: Mm-hmm.

22 JUDGE STEINBERG: Then it's overruled.

23 THE WITNESS: That requires two answers there.

24 MS. LANCASTER: Okay.

25 THE WITNESS: The first answer is we provide

1 handhelds to the technicians for my personal convenience
2 which allows me to control and direct the technicians. And
3 those are handhelds.

4 We have technicians who have taken it upon
5 themselves to install equipment in their vehicles which is
6 not authorized and one of those we Ken Saminoux, as well as
7 Jeff Graber. Once that is discovered, that is -- you know,
8 either we ask them why they did it or we remove it or so on.

9 Thomas Lewis has a system installed in his
10 vehicle, as well as Sue Lutz did, and that was mainly for
11 their convenience, in case they were in trouble they could
12 call. And it was a two-way radio with a telephone
13 interconnect for DLB use only.

14 BY MS. LANCASTER:

15 Q Sue Lutz used to run errands for DLB?

16 A To get out of the office.

17 Q She'd go pick up the mail? Would she ever go pick
18 up the mail?

19 A Sure.

20 Q Would she ever go to an office supply place and
21 buy office supplies if you needed them, if you had run out
22 of something?

23 A Sure.

24 Q Did she use her radio so that if anyone needed to
25 get in touch with her while she was out running these

1 errands you could reach her?

2 A It also served the dual purpose of that. Yes.

3 Q Were you an employee of DLB when she was first
4 given a radio?

5 A Don't think so.

6 Q Do you have any personal knowledge of any
7 conversations regarding how that radio came to be put in her
8 vehicle?

9 A No.

10 Q Were you party or did you overhear any
11 conversations subsequent to it being installed in her
12 vehicle about why it was originally put in her vehicle?

13 A From my understanding and conversations with not
14 Sue, it was for her in case she had to have -- if she was on
15 the road, she could call for assistance.

16 Q Okay. She no longer has a radio in her car, does
17 she?

18 A No. She returned it about three or four days
19 later.

20 Q Who asked her to return it?

21 A I think she volunteered because she just drove
22 into the shop and just -- come in and had us remove it.

23 Q So no one from DLB told her to give the radio
24 back?

25 A No, I did not.

1 Q No, did anyone from DLB tell her to give the radio
2 back?

3 A The direction would come from me or from Diane.
4 I can only speak for myself, I did not.

5 Q Did your dad?

6 A I can only speak for myself. I did not and I
7 don't know who else would have. And I don't think he would
8 have.

9 Q So you have no personal knowledge of it one way or
10 another.

11 Do you remember Thomas Lewis coming to you and
12 telling you that he did not want to renew his radio license?

13 A The conversation, he wanted it out of his name.

14 Q You remember that.

15 A Yes.

16 Q Okay. When did that occur?

17 A Prior to him signing the documentation or a few
18 days before.

19 Q Okay. And what did you tell him when he came and
20 said he wanted it out of his name?

21 A I said I would get it transferred to another
22 customer.

23 Q Did you ask him to go ahead and sign the renewal
24 form and then you would get that transferred out of his
25 name?

1 A The conversation we had was getting the license
2 out of his name. I advised him that I would transfer it to
3 a new customer.

4 Q Okay. When he came to you, did he tell you that
5 the license was up for renewal?

6 A He had the renewal paper in his hand and I could
7 read that. Yes.

8 Q Okay. So did you offer him any advice or
9 instructions or make any request to him that he go ahead and
10 renew the license at that time?

11 A I left that decision to him and I guess -- he had
12 some concerns and I said I can take care of it, I can
13 transfer it out of your name to another customer.

14 Q Okay. Does DLB utilize Thomas Lewis' license in
15 any way?

16 A Thomas Lewis' license is a user's license to our
17 trunk 900 license, so from the way I understand it, he has
18 to have a license to operate those radios. And that's why
19 I said, you know, we'll transfer it. Or I can transfer it
20 to a customer that will fit that criteria.

21 Q Okay. And if that were the case and if Thomas
22 Lewis was still employed, you would just give him a radio
23 that's in someone's -- licensed to someone else?

24 A I can give him a T-band license which doesn't
25 require a user's license, but it won't fit his needs.

1 Q It won't fit his needs?

2 A No.

3 Q Then why would you do that?

4 A Because the radio that's in there also serves a
5 dual purpose as well. It's programmed with my tones as well
6 as his own personal use tones.

7 Q And the T-band radio would not do that? Would not
8 be programmed for both?

9 A I won't have the feature that he is looking for,
10 but I will put it in there because I will need to be able to
11 get in contact with Thomas.

12 Q Mr. Brasher, you've heard all the testimony that's
13 been given in this last several days regarding the licenses
14 or the stations that are operated by DLB/Metroplex that are
15 in -- the licenses are held in the names of the Sumpters and
16 of Sue Lutz and O.C. Brasher.

17 JUDGE STEINBERG: And that was -- the witness
18 nodded his head affirmatively.

19 THE WITNESS: Yes. Yes. I'm sorry, Your Honor.

20 JUDGE STEINBERG: That's okay.

21 BY MS. LANCASTER:

22 Q To your knowledge, has DLB ever provided payment
23 to Sue Lutz, O.C. Brasher or any of the Sumpters? And any
24 of the Sumpters, I mean Jim Sumpter, Norma Sumpter, Melissa
25 Sumpter and Jennifer Hill. Has any payment been provided

1 from DLB or Metroplex to any of those people for the use of
2 their licenses?

3 A No.

4 Q Have any of those people had control over those
5 licenses after DLB took over management of the licenses?

6 MR. ROMNEY: Object, Your Honor. Vague and
7 ambiguous as to the term control.

8 JUDGE STEINBERG: Did you understand the question?

9 THE WITNESS: Yes, I did.

10 JUDGE STEINBERG: Okay. He can answer.

11 MR. ROMNEY: I object then on the basis that it's
12 a legal question, it's a legal conclusion as to what control
13 means. I believe Ms. Lancaster certainly has a legal
14 definition of what she understands control to be. I don't
15 know that this witness knows that.

16 JUDGE STEINBERG: Well, as a layman, can you
17 answer the question?

18 And then you ask in follow-up what his concept of
19 control is.

20 THE WITNESS: The licenses were managed and
21 operated by DLB.

22 BY MS. LANCASTER:

23 Q Did any of the licensees, when I keep referring to
24 licensees, I'm talking about that group of licensees for
25 these group of questions.

1 A Yes, I understand.

2 Q Did they have access to or have they ever had
3 access to the station?

4 MR. ROMNEY: Objection, Your Honor. Compound.

5 JUDGE STEINBERG: I don't think so.

6 THE WITNESS: Access to the station -- anyone can
7 have access to it if you want to.

8 BY MS. LANCASTER:

9 Q Now, when you say anyone can have access to it,
10 let's talk specifically about the repeater site, which is
11 Allen, correct?

12 A Yes.

13 Q It's my understanding that there is a either a
14 locked gate or a locked building at the Allen repeater site.
15 Do you know if that's true?

16 A That is correct.

17 Q Okay. So when you say anyone can have access, how
18 would they gain access to the repeater site?

19 A To understand the specifics of each site, it is
20 that it is a community site. I do not maintain or control
21 their security and there is also multiple companies who have
22 the ability to go into these sites as well.

23 If they wish, they could have contacted them and
24 then gained access. I don't know that for a fact, but that
25 could happen that way.

1 Q But as far as DLB providing open access to these
2 licensees, DLB does not do that, do they?

3 A I don't have passwords. The information is
4 readily available.

5 Q Have you ever provided access to any of these
6 sites to these licensees?

7 A I haven't personally escorted anyone. No.

8 Q Do you have any knowledge whether such access has
9 ever been provided to these licensees?

10 A I couldn't answer that question.

11 Q You have no knowledge?

12 A No knowledge of it.

13 Q Okay. When you as the manager of the day-to-day
14 operations of DLB, you control the operations and the
15 management of those stations. Is that correct?

16 A Yes.

17 Q And prior to you doing that, your father did that,
18 basically. Is that correct?

19 A Yes.

20 Q None of these licensees have any input as to who
21 DLB hires, do they?

22 A Not that I'm aware of. Not in my timeframe.

23 Q Okay. None of them have any input as to who you
24 fire, do they?

25 A Not within my timeframe. No.

1 Q Okay. None of them have any input as to who works
2 on anything having to do with their station. And by that
3 I mean they don't determine who goes out and repairs it if
4 their station is broken and they don't determine who does

5 JUDGE STEINBERG: Why don't you just do one at a
6 time?

7 MS. LANCASTER: Okay. Okay.

8 BY MS. LANCASTER:

9 Q They don't determine who goes out and repairs
10 their station if any of those stations are broken, do they?
11 DLB just assigns a technician to go fix that. Is that
12 correct?

13 A Yes, ma'am.

14 Q Okay. I want to caution you a little bit. You're
15 getting into the habit of nodding your head.

16 A Yes, ma'am.

17 Q And that will not be picked up.

18 A Sorry.

19 Q I believe you gave a yes to both of those last two
20 questions.

21 A I said "Yes, ma'am."

22 Q None of these people have access to the revenue
23 records of what comes in, what monies come in, from use of
24 their station, do they?

25 JUDGE STEINBERG: Currently?

1 MS. LANCASTER: Currently. Right.

2 THE WITNESS: We're talking about Carolyn Lutz and
3 the Sumpters?

4 MS. LANCASTER: Well, obviously O.C. does not have
5 any --

6 THE WITNESS: No. In the past, the Sumpters would
7 have known and Carolyn would have known. At present,
8 probably not.

9 BY MS. LANCASTER:

10 Q At present, you're not providing anything to any
11 of them. Is that correct?

12 A No, ma'am.

13 Q And do you agree that nothing was ever provided to
14 them -- let's take the Sumpters. Nothing was ever provided
15 to the Sumpters other than because Mr. Sumpter was your
16 accountant and all the accounting records went over to his
17 office, somewhere within those records may have been
18 references to the various Sumpter stations. Do you
19 understand that question?

20 A Yes, it's possible there was information there and
21 him being an accountant he could probably extract it, but
22 that's speculation on my part, but the information was there
23 for him.

24 Q And as far as Carolyn Lutz is concerned, any
25 information that she would have been quote-unquote provided

1 would only have been provided in the sense that she had
2 access to some of the information while she was an employee
3 at DLB.

4 A She actually did the T-band billing.

5 Q Okay.

6 A So she would know the revenues.

7 Q Oh, I'm sorry. Go ahead.

8 A So she would know the revenues.

9 Q Would she have known -- wait a minute.

10 (Pause.)

11 Q She did the billing but did she actually see
12 payment checks when they came in?

13 A Yes. And her errand running, it was also to take
14 the daily deposits which was generated from the billing.

15 Q Okay. But when she took the daily deposits, it
16 didn't have broken out Carolyn Lutz's station in the deposit
17 slip, did it?

18 A But it would be referenced back to the T-band
19 billing by invoice and the number that was there from that
20 customer.

21 Q But again --

22 A Maybe I missed your question.

23 Q I beg your pardon?

24 A Maybe I missed your question.

25 Q She would not be able to without a lot of work

1 figure out what revenues were coming in for operation of her
2 specific station, would she?

3 MR. PEDIGO: Objection, Your Honor. That assumes
4 facts not in evidence. Mr. Sumpter never set the accounting
5 records up in any way for anyone to do that.

6 MS. LANCASTER: That's irrelevant, how Mr. Sumpter
7 set the accounting records up.

8 JUDGE STEINBERG: Well, I have trouble with "a lot
9 of work." I mean, what's a lot of work for me might be
10 nothing for Mr. Romney.

11 MR. PEDIGO: But, Your Honor, the revenues were
12 not maintained with regard to particular licenses.

13 JUDGE STEINBERG: Well, let --

14 MS. LANCASTER: I believe he's testifying,
15 Your Honor.

16 MR. PEDIGO: I want to make sure that --

17 JUDGE STEINBERG: Okay. Why don't you try again?
18 I understand your point. If he says the same thing --

19 MS. LANCASTER: I believe, Your Honor --

20 JUDGE STEINBERG: I don't know how much weight
21 I can put on it.

22 MS. LANCASTER: The witness testified that her way
23 of knowing revenue was because she took the deposit slip and
24 I'm trying to --

25 JUDGE STEINBERG: Well, no. His full answer was

1 because one of the errands she ran was to make the deposits
2 and then he added that she had access to the invoices and
3 that the invoices contained information, certain
4 information, which from which some sort of determination
5 could be made. And I think I heard that correctly.

6 Did I hear that correctly?

7 THE WITNESS: Yes, Your Honor.

8 JUDGE STEINBERG: And if you want to probe what
9 information it was, but I frankly think you're beating a
10 dead horse.

11 And I'm not referring to the witness, I'm
12 referring to the subject matter because I think the record
13 is pretty clear as to what information was -- as to what
14 bookkeeping information everyone was privy to and it was
15 basically nothing except the stuff that came to Mr. Sumpter
16 in his capacity as their accountant. Basically. And what
17 Ms. Lutz could determine from what she could determine from.

18 I mean, I don't think anybody here is going to
19 claim that a total breakdown of accounting records, licensee
20 by licensee, was ever done. And you probably could get a
21 stipulation on that point. But anyway, you know, you want
22 to ask the questions, ask the questions. I don't care. If
23 there are no objections, we'll get the answers.

24 BY MS. LANCASTER:

25 Q Do you agree that there was never any breakdown of

1 revenue by station?

2 A I agree.

3 JUDGE STEINBERG: That was given to the licensees,
4 given to the Sumpsters or given to Ms. Lutz.

5 THE WITNESS: I agree.

6 JUDGE STEINBERG: Other than the package of stuff
7 that Jim Sumpter got a couple of times a month.

8 THE WITNESS: Yes, sir.

9 BY MS. LANCASTER:

10 Q And that same would be true as far as expenditures
11 for the station? There was never a breakdown of
12 expenditures by station?

13 A No, ma'am.

14 Q And so there was never any information regarding
15 expenditures for a particular station sent to that station
16 licensee? Do you understand that question? It's a little
17 convoluted. Same question except as to expenditures rather
18 than to revenues, the same question we asked you earlier.

19 A No, ma'am. We did not provide any expenditure
20 information to the other licensees.

21 Q Mr. Brasher, why wasn't there an application made
22 in the name of Diane for a license?

23 A There was some marital problems at the time, Diane
24 and I had been going through some problems.

25 Q Okay. When you say "at the time," what time was

1 that?

2 A In or around '95.

3 Q Okay. When was the last time DLB applied for a
4 license?

5 A I don't have that information ready. We've kind
6 of held back. Stopped. I don't know.

7 Q Did the marital problems extend into '96?

8 A I guess I misunderstood your first question. Were
9 you asking about DLB Enterprises or are you asking about
10 David Brasher, about license applications?

11 JUDGE STEINBERG: DLB. The question was DLB.
12 When was the last time DLB filed an application for a
13 license?

14 THE WITNESS: I don't know about DLB. I don't
15 know about that one.

16 BY MS. LANCASTER:

17 Q Do you all still actively pursue obtaining
18 frequency? Do you all still apply for frequency?

19 A At this point, no, because we would not be able to
20 get anything granted.

21 Q Do you recall when you last made an effort to
22 apply for frequencies?

23 A I think several -- maybe about 18 months or so.

24 Q Okay. So during that time from 1995 -- you said
25 you were having problems in 1995 and did not want to put a

1 license in Diane's name, but since then, am I to understand
2 that you all have not asked Diane to become a licensee since
3 then for that same reason?

4 A Right at the moment, we can't expand. Why
5 waste the money if it's just going to sit in a pending
6 state?

7 And that is -- I'm not going to waste the money
8 for me to apply for a license for it to be sitting out there
9 pending in your database and never being granted. So we've
10 not applied for anything.

11 Q Okay. But is there any other reason why no one
12 ever -- DLB never asked Diane to apply for a license? Is
13 there any other reason?

14 A No.

15 Q Is there any reason why DLB did not ask your son
16 to apply for a license in his name?

17 A My son -- I don't know if there's any age
18 requirement or anything. I don't think we ever thought
19 about it. Or I thought about it.

20 Q Do you recall the testimony that license
21 applications were made in the name of Melissa Sumpter when
22 she was quite young?

23 A Yes. I remember that. Yes.

24 Q Would there be any reason why Melissa Sumpter
25 would be asked to be a license but your son wasn't?

1 MR. PEDIGO: Objection, Your Honor. Relevance.

2 JUDGE STEINBERG: Yes. Well, I don't remember any
3 testimony about Melissa Sumpter being asked. What
4 I remember as testimony -- or asked by the Brashers, let's
5 put it that way. So the premise of the question is
6 incorrect. I'm not saying you can't ask it, but in a
7 different form.

8 BY MS. LANCASTER:

9 Q Mr. Brasher, do you have any objections to your
10 son becoming a licensee?

11 A No, in fact, we had previous discussion how can
12 we advance the business and what can we do to become
13 licensees.

14 Q So once this is cleared up, it is your plan to
15 have your son apply to become a licensee?

16 A That is depending upon this particular proceeding
17 here, whether we're in or out of business.

18 Q But you would like to do that.

19 A That is -- yes, I would.

20 Q Okay. And how about Diane? Would you like to
21 have Diane acquire licenses also?

22 A Yes.

23 MS. LANCASTER: Pass the witness, Your Honor.

24 JUDGE STEINBERG: Mr. Pedigo?

25 MR. PEDIGO: Yes, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. PEDIGO:

3 Q David, a couple of questions. I want to ask about
4 your first involvement with DLB Enterprises.

5 Could you contrast the time you spent working at
6 DLB Enterprises or DLB/Metroplex in 1996 versus after April
7 of 1997?

8 A You're asking what I did in or around 1996?

9 JUDGE STEINBERG: Basically, how much time you put
10 in to DLB in 1996 as opposed to how much time you put in to
11 DLB --

12 MR. PEDIGO: April of 1997, Your Honor.

13 JUDGE STEINBERG: -- April of 1997, which was when
14 you started working.

15 THE WITNESS: In 1996, I was a manager for a data
16 center for IBM. That took quite a bit of my time.

17 JUDGE STEINBERG: Were you working full time for
18 IBM?

19 THE WITNESS: Yes, I was working full time for
20 IBM.

21 JUDGE STEINBERG: Is full time 40 hours or is full
22 time at IBM 80 hours?

23 THE WITNESS: Full time, 60 hours. I gave myself
24 a raise. I cut back. I'm sorry. It was full time IBM data
25 center manager and that took quite a bit of my time. My

1 involvement with Metroplex Two Way or DLB Enterprise was
2 that my father and I had had some conversations and there
3 was an event in my life to where I left IBM. And the next
4 logical evolution was for me to go work with Ron and learn
5 the business and eventually allow him to retire.

6 BY MR. PEDIGO:

7 Q And when both of your T-band applications were
8 granted in September of 1996, had you already begun to
9 contemplate that you would go to work full time at DLB
10 Enterprises?

11 A That is correct. That was my goal and Ron's goal.

12 Q Now, if you could compare the pre-April '97, the
13 amount of time spent at DLB Enterprises/Metroplex work as
14 compared to after April of 1997.

15 A After 1997 -- boy, you ask tough questions.
16 After 1997, April 1, 1997, the ground floor evolution or
17 what I call learn by doing, that was basically I started
18 sweeping floors, cleaning cobwebs, giving the place -- I
19 come from an environment to where it was like this room
20 here, going into an industrial area. I felt it should be
21 the same.

22 I learned you couldn't apply those principles
23 there, but I did also learn how to pour concrete, I also
24 learned how to build repeaters and do the technical things,
25 as well as move into -- taking the skills that I had learned

1 from IBM, running a business by GL, and knowing the
2 financials and so on. And I still strive to do that today,
3 is to take and move forward each step.

4 The last logical step for me to do was to learn
5 how to apply and abide by the rules and regs of the FCC and
6 I am learning it at a different angle at this time, at this
7 time, but I hope to get all ends of it as well.

8 Q And how would you compare your knowledge of the
9 two-way radio industry business today as when you began in
10 April of 1997?

11 A As a two-radio salesman compared to an aluminum
12 siding salesman, it's an interesting environment to work in.
13 It depends upon spectrum. In fact, spectrum is what allows
14 you to grow the business, allows you to feed sales, feed
15 service, and the gist of it is you can't be just a two-way
16 repair center, you can't be just a two-way maintenance
17 center. Originally, I thought that's all we were, was just
18 a maintenance and repair center, but as it got into it,
19 I found what fed each other and how they stand upon each
20 other.

21 A good analogy would be is I sawed the leg off of
22 this table, how could it stand up on just three legs.

23 And to answer you question is what I know now,
24 what I know then, is a lot more.

25 Q With regard to Exhibit 2, you were asked some

1 questions about that and that is -- you can turn to it if
2 you need to, but it is the opposition filed to the Net Wave
3 petition. Do you recall that?

4 A Yes.

5 Q Now, you received that several months after you
6 began working at DLB Enterprises. Is that correct?

7 A Yes.

8 Q And did you have any kind of understanding or
9 state of mind about the need to respond to this?

10 A I felt by funneling it or delegating that
11 responsibility to Ron it was being handled because at that
12 time, in and around there, Ron was the focal point and still
13 has been the focal point for all the communications to
14 Schwaninger.

15 Q All right. And do you recall that the Net Wave
16 petition pertained to events that happened in June of 1996?

17 A Yes, sir.

18 Q And did you have personal knowledge of those
19 events other than your two stations?

20 A No, I did not.

21 Q What did you understand about DLB obtaining
22 counsel to respond to the Net Wave allegations?

23 A That Ron said he would handle that and take care
24 of it.

25 Q Okay. And what did he do particularly that you